

The opinion in support of the decision being entered today was not written for publication journal and is not binding precedent of the Board.

26  
Paper No. 104

Box Interference

Filed by: Joan Ellis  
Administrative Patent Judge  
Box Interference  
Washington, D.C. 20231  
Tel: 703-308-9797  
Fax: 703-308-7952 or 53

**MAILED**

**FEB 27 2002**

UNITED STATES PATENT AND TRADEMARK OFFICE

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

-----  
GANESH M. KISHORE

Junior Party  
(Application 08/120,703)

v.

MICHAEL M. BURRELL and  
KEITH S. BLUNDY

Senior Party  
(Application 08/284,199)

-----  
Patent Interference No. 104,046  
-----

Before URYNOWICZ, CAROFF, and ELLIS, Administrative Patent Judges.

ELLIS, Administrative Patent Judge.

JUDGMENT

On February 1, 2002, senior party Burrell et al. submitted a "Request for Adverse Judgment" for all the claims corresponding to the count. (Paper No. 102).

Thus, pursuant to 37 C.F.R. § 1.662(a), JUDGMENT as to the subject matter of Count 1 in issue is hereby awarded to the junior party, GANASH M. KISHORE.

**INTERFERENCE  
DIGEST**Interference No. 104,046 Paper No. 20Name, Burrell et al.Serial No. 08/284,199 Patent No. --None--Title, MODIFICATION OF PLANT METABOLISMFiled, 08/02/94Interference with Kishore**DECISION ON MOTIONS**

Examiner-in-Chief, \_\_\_\_\_ Dated, \_\_\_\_\_

**FINAL DECISION**Board of Patent Appeals and Interferences, Adverse Dated, 2/27/02

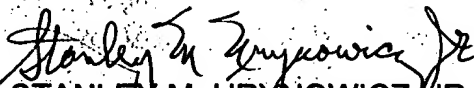
Court, \_\_\_\_\_ Dated, \_\_\_\_\_

**REMARKS**

Interference No. 104,046

Accordingly, MICHAEL M. BURRELL and KEITH S. BLUNDY are not entitled to their claims 2-4, 7, 8, 13-16, 20, 21, 34 and 43, corresponding to Count 1.

On this record, Kishore is entitled to claims 2, 4-6, 8, 10, 12-15, 21, 22, 28, 30-32, 36, 38-42 and 44-55.

  
STANLEY M. URYNOWICZ JR.  
Administrative Patent Judge

  
MARC L. CAROFF  
Administrative Patent Judge

  
JOAN ELLIS  
Administrative Patent Judge

)  
)  
)  
)  
) BOARD OF PATENT  
)  
) APPEALS AND  
)  
) INTERFERENCES  
)  
)  
)

Interference No. 104,046

Attorney for Kishore

Jeffrey S. Sharp  
Marshall, O'Toole, Gerstein, Murray  
& Borun  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, ILL 60606-6402

Attorney for Burrell et al.

Samuel B. Abrams  
Pennie & Edmonds LLP  
1155 Avenue of the Americas  
New York, NY 10036

JE:caw